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Via Telecopier (212) 805-4260

April 28, 2008

MEMORANDUM ENDORSED

The Honorable Gabriel W. Gorenstein  
 United States Magistrate Judge  
 United States District Court  
 Southern District of New York  
 500 Pearl Street  
 New York, New York 10007

USDC SDNY
DOCUMENT
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RE: **Energizer S.A. v. M/V YM GREEN et al.**  
 Docket No.: 07cv7406(LTS)(GWG)  
 Our File No.: 29509-RPH/JAS/KCL

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 Dear Magistrate Judge Gorenstein:

We represent plaintiff in connection with the captioned action and write to request that the deadline to amend the pleadings be extended for 60 days up to and including June 15, 2008. All parties consent to and join in this request. Under the current Pre-Trial Scheduling Order, the deadline to amend pleadings expired on April 15, 2008. The undersigned has been traveling for depositions the past two weeks and was unable to submit this request prior to April 15. No previous request for extension of this deadline has been requested.

This action arises out of the transportation of batteries in August 2006 from Hong Kong to Basel, Switzerland via Hamburg, Germany aboard the M/V YM GREEN pursuant to bills of lading issued by certain of the defendants. The batteries were designed and manufactured by defendant High Power and sold by High Power to plaintiff Energizer S.A. On or about August 6, 2006, following a port call in Singapore, a fire broke out on the vessel that included hold no. 4 resulting in a total loss of plaintiff's cargo and damage to other cargoes on the vessel.

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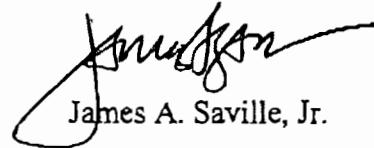
To date, pleadings, counter-pleadings, cross-pleadings, claims, and other filed responses to claims total 55 entries on the docket, and have been filed on a continual basis by the parties throughout the following months, with the last pleading being filed on April 9, 2008. Further, given that nearly all defendants are located abroad, the defendants have experienced some delay in providing Rule 26 disclosures and therefore, the parties have not been able to fully evaluate whether all necessary parties have been joined in this action.

Accordingly, the parties respectfully request that the time to amend the pleading be extended up to and including June 15, 2008. This extension would not affect any of the other deadlines set forth in the Pre-Trial Scheduling Order.

We thank the Court for its attention to the foregoing.

Respectfully submitted,

HILL RIVKINS & HAYDEN LLP

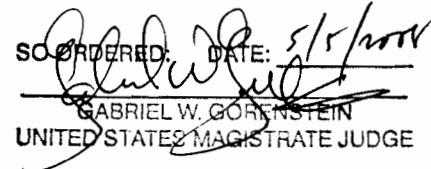


James A. Saville, Jr.

JAS/mc  
29509015Judge

CC: **Via Telecopier: (212) 344-7285**

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SO ORDERED. DATE: 5/5/2008  
  
GABRIEL W. GORENSTEIN  
UNITED STATES MAGISTRATE JUDGE

*Granted.*

**Via Telecopier: (212) 385-1605**

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